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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,612	12/05/2000	Dave Stephens	ORCL-2000-063-01	7393
45591 7590 10/03/2008 ORACLE C/O MURABITO, HAO & BARNES LLP TWO NORTH MARKET STREET THIRD FLOOR SAN JOSE, CA 95113				
EXAMINER				
FADOK, MARK A				
ART UNIT		PAPER NUMBER		
3625				
MAIL DATE		DELIVERY MODE		
10/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/730,612

Applicant(s)

STEPHENS ET AL.

Examiner

MARK FADOK

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- 7) ☐ Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 4/9/2008, which was received 7/8/2008. Acknowledgement is made to the amendment to claim 1, 10 and 20. Applicant's amendment and arguments have been carefully considered but were not found to be persuasive, therefore the previous rejection modified as necessitated by amendment follows:

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Covisint (a collection of articles Covisint1-3) in view of Oracle (a collection of articles Oracle1-7, in view of Kaplan (US 5,701,460) and further in view of Official Notice

In regards to claim 1, Covisint discloses a multiple exchange (ecommerce portal) instance, comprising:

a plurality of exchanges (ecommerce portal); and

a common instance for implementing the exchanges (Covisint's B2B exchange, common exchange, Covisint3),

Covisint teaches the exchanges sharing a set of common components (sharing the common technology or the Covisint exchange, Ford, GM, DaimlerChrysler) and each exchange (ecommerce portal), but does not specifically mention having a respective view having respective unique components. Oracle teaches a common instance with personalized views (Oracle2). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Covisint having a respective view having respective unique components as is taught by Oracle, because this would permit different exchanges to use the components that best suit their needs within the common instance to provide flexibility, thus increasing revenue by having different companies on one localized exchange.

wherein the common instance comprises a database divided into a plurality of sub-schemas (Covisint3 page 3 , different sub-schemas within one exchange sharing a common instance, Covisint, and having sub-schemas that protect the information),

Applicant may argue that the references do not teach sub-schemas, for this reason Kaplan is offered as an example of how sub-schemas are used in a relational database to produce a view of just a portion of an entire database as directed by the sub-schema (Kaplan, col 2, lines 1-20) It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Covisint and Oracle the use of sub-schemas, because this provides only the data that the user wishes to use thus reducing clutter on the web site screen.

wherein each of the exchanges (ecommerce portal) is implemented within a respective one of the sub-schemas providing a respective partial view of the common instance (each has own web site, Oracle2 page 2), and wherein each of the exchanges (ecommerce portal) is allocated to a different merchant (Covisint, Ford, GM, DailmerChrysler).

Further, it is noted that all of the elements of the cited references perform the same function when combined as they do in the prior art . Thus such a combination would have yielded predictable results (see Sakraida, 425 US at 282, 189 USPQ at 453. Since the independent claims only unite old elements with no change in there respective functions the claimed subject matter would have been obvious under KSR, 127 S. Ct at 1741, 82 USPQ2d at 1396.

Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* (KSR, 82 USPQ2d at 1396) forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex arte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007).

In regards to claim 2, the combination of Covisint Oracle, and Kaplan teach the multiple exchanges are implemented within the common instance (Covisint3, common technology platform), facilitates communication between exchanges (covisint3, all parties may examine stock levels of common suppliers). Further, it is noted that by applicant's own admission para 008 or US PGPUB 20020069120, facilitating communication between the exchanges was old and well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to communicate between suppliers since each company may benefit by knowing the levels of use of inventory at a shared supplier and can make more informed decision thus saving money by not having to order as often.

In regards to claim 3, the combination of Covisint, Oracle, and Kaplan teach wherein the multiple exchanges each have a respective operator, allowing the operator to perform input/output using the common components to perform the input/output for each of the multiple exchanges (Covisint3, each automaker makes their own orders using the Covisint exchange).

In regards to claim 4, the combination of Covisint, Oracle, and Kaplan teach input and out put from a common portal, but does not specifically mention that there is an authentication operation for each of the exchanges, The examiner takes official notice that the use of authentication techniques when entering a portal was old and well known in the art at the time of the invention. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Covisint and Oracle, authentication by a user, because this will prohibit unauthorized suppliers from entering the portal and provide for a charging mechanizing to assure that fees were paid.

In regards to claim 5, the combination of Covisint, Oracle, and Kaplan teach the use of a catalog method within an exchange (oracle5), but does not specifically mention that the catalog has input and output. The examiner takes official notice that it was old and well known in the art at the time of the invention to permit input and output to an online catalog. This is important to assure that product is in the common catalog for customers to peruse, since if the operator was using a catalog model and no information was in the catalog or a buyer was not able to access the catalog then no transaction would result and revenue from providing transactions would be significantly reduced.

In regards to claim 6, the combination of Covisint, Oracle, and Kaplan teach wherein the common input/output comprises a registration operation for each of the exchanges (Oracle6).

In regards to claim 7, the combination of Covisint, Oracle, and Kaplan teach wherein the multiple exchanges are configured to use communication protocols to communicate with processes external to the common instance (Oracle7, Integration software for communication with businesses over the internet that uses protocols of either Java or XML).

In regards to claim 8, the combination of Covisint, Oracle, and Kaplan teach wherein the communication protocol is XML (See claim 7 above).

In regards to claim 9, the combination of Covisint, Oracle, and Kaplan teach wherein the common instance is implemented using a database program running on one or more computer systems (see response to claim 1).

Claims 10-20 are considered parallel claims to claims 1-9 and are rejected for the same rational.

Response to Arguments

Applicant's arguments filed 7/8/2008 have been fully considered but they are not persuasive.

Applicant argues that the combination of Covisint, Oracle, and Kaplan do not teach "wherein each of the exchanges is singularly associated with and implemented within a respective one of a plurality of sub-schemas providing a respective partial view of the common instance". The examiner disagrees and directs the applicant's attention to Covisaent3 page 3 where it is stated that "...Just because you are transacting through a common technology platform doesn't mean you have access to each other's information. Security has reached the point that two competitors transacting through the same exchange do not know what the other is doing. This is less about sharing information between competitors and more about sharing a common technology platform." The common technology is considered the common instance and the transacting through the same exchange being the singularly associated with a separate sub-schema.

In regards to claim 2, as stated above Covisint, Oracle, and Kaplan clearly teaches multiple exchanges implemented in a common instance. As another matter, the element following the term "for" (facilitating communication between exchanges) is given little patentable weight since the elements are not positively recited. The term "for" merely sets forth what a structural element is capable of doing and does not positively recite that structural element expressly performs the functionality in question. The "for" language should be replaced with more positive recited language. For example, instead

of stating element A "for" performing function X, it should be stated that element A performs function X.

In regards to claim 3, applicant argues that the combination of Covisint, Oracle, and Kaplan does not teach "wherein the multiple exchanges each have a respective operator, allowing the operator to perform input/output using the common components to perform the input/output for each of the multiple exchanges." The examiner further directs the applicant's attention to Covisint2 page one where each exchange has its own purchasing department. As another matter, the element following the term "allowing" (the operator to perform input/output using the common components to perform the input/output for each of the multiple exchanges) is given little patentable weight since the elements are not positively recited. The term "allowing" merely sets forth what a structural element is capable of doing and does not positively recite that structural element expressly performs the functionality in question. The "allowing" language should be replaced with more positive recited language. For example, instead of stating element A "allowing" performing function X, it should be stated that element A performs function X.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300 [Official communications; including
After Final communications labeled
"Box AF"]

For general questions the receptionist can be reached at
571.272.3600

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/Mark Fadok/
Primary Examiner, Art Unit 3625